

APR 13 2006

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Atty. Docket No.: UCF-381

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICERECEIVED
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Applicant: HOLMQUIST, et al.
Serial No.: 10/738,540
Filed: 12/17/2003
For: MOISTURE BARRIER CONE (MBC)
Examiner: LINDSEY, RODNEY M. Group: 3765 Paper No:

ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed March 13, 2006, Applicant elects to prosecute with traverse, Invention I, Claims 1-22, drawn to an anti-fogging device, classified in class 2, subclass 435. Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I: Claims 1-22, drawn to an anti-fogging device, classified in class 2, subclass 435.

Invention II: Claims 23-39, drawn to method of eliminating fogging effects, classified in class 264 subclass 239.

Applicant agrees there are separate inventions, however, applicant disagrees with the restriction requirement for several reasons. The Primary Examiner finds separate inventions in the Figures 1-39.

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A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

The examiner has not stated that separate searches and separate examiners are necessary to examine these inventions. In fact, the examiner implies the two inventions are searchable and classified in related classification areas.


Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If both Inventions I and II can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

Therefore, Applicant requests reconsideration and withdrawal of the restriction requirement.

However, in reference to the restriction requirement, Applicant again wishes to make their election to prosecute Invention I, Claims 1-22, drawn to an anti-fogging device, classified in class 2, subclass 435 with traverse. If further restrictions are merited, please let us know.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:


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